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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,490	06/18/2001	Michael Wayne Brown	AUS920010546US1	4144

7590

11/25/2003

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EXAMINER

AMSBURY, WAYNE P

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,490

Applicant(s)

BROWN ET AL.

Examiner

Wayne Amsbury

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

CLAIMS 1-34 ARE PENDING

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Applicant's arguments filed 10/9/03 have been fully considered but they are not persuasive.

Applicant fails to recognize the breadth of the claims.

In the Telephone Interview of 10/7/03 and in the Response, Applicant attempts to draw a distinction between *revoke* and *remove*. Firstly, there is no evidence in the Disclosure that removal of data from memory means anything other than the usual removal of access, which would allow garbage collection processes to reclaim the memory space. Secondly, Webster's New Riverside University Dictionary, Houghton Mifflin Company, ©1984, 1988, defines *revoke* as meaning to nullify by withdrawing, recalling, or reversing. There is no obligation of the revoking authority to re-instate, and thus revocation is equivalent to removal. ,

Applicant correctly states that patentability depends upon each and every element of a claim, but then argues claims 2-7 in terms of an element of claim 2, whereas claims 3-7 depend directly on claim 1 and do not include that element. (The arguments concerning claims 8-26 are included in this analysis.) New claims 27-34 are addressed below.

As to claim 1, Applicant states [page 11] that Cooper does not teach receiving a request to remove selected information, received from a user in response to a transaction involving the user. To reiterate the rejection, Cooper is directed to transactions in which a user, who obtains a digital certificate which allows access to content selected by the user. [See also 0018; 0060 lines 6-9.] Of course this is done by some management system, but so are the steps of the claims, and a user request is required to trigger the process. As noted at [0065], any entity may act as the certification authority that revokes a user's digital certificate [0069]. Again, such an act cannot be arbitrary, but inherently must be initiated by request, which is itself a transaction in the system.

As to claim 2, [0048] explicitly addresses the revocation of a digital certificate upon failure of attempts to enter a password, which corresponds to removal of information when a request is invalid.

3. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Cooper et al (Cooper), US 2001/0051996, 13 December 2001.

This maintains the rejections of the previous action, which is hereby incorporated in its entirety.

4. Claims 27-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Cooper et al (Cooper), US 2001/0051996, 13 December 2001.

These claims are directed to information from a client device or stored on a server. As noted in the previous action at [0058; 0065], and elsewhere, Cooper is quite general with respect to platforms, and includes the options of receiving from clients and storing on servers.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 703-305-3828. The examiner can normally be reached on M-TH 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.

WPA

Wm
WAYNE AMSBURY
PRIMARY PATENT EXAMINER